

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT A. PASTOR, et al.,
Plaintiffs,
v.
BANK OF AMERICA,
Defendant.

Case No. 15-cv-03831-VC

**ORDER RE: SUPPLEMENTAL
PRELIMINARY APPROVAL**

Re: Dkt. No. 68

1. All class members, including both the Original Settlement Class Members and the Affected Settlement Class Members, must be allowed to file a claim, opt out of the settlement, or object to the settlement until June 19, 2018.

2. The proposed notice to the Affected Settlement Class Members must attach the claim form. The parties must also explain whether the Affected Settlement Class Members have received or will receive a notice of settlement via postcard. If not, the parties should delete references to the postcard in the proposed notice and should explain why it is acceptable that the Affected Settlement Class Members are not receiving postcard notice.

3. The parties should modify the proposed notice as follows:

a. The June 19, 2018 deadline for filing a claim, opting out or objecting, and information on filing a claim at the settlement website and via the toll-free number, should appear on the first page of the notice, after the paragraph that ends with the sentence: "Please read this notice carefully."

b. The "Summary of Your Legal Rights and Options in this Settlement" should appear on the top of the second page of the notice, instead of being broken up between

two pages. The summary should also prominently include the June 19, 2018 deadline.

c. The reference to the \$1.645 million settlement fund on the first page should be modified to state that the settlement is "over \$1.645 million."

d. The answers to Question 8 and Question 9 need to be revised to accurately reflect the amended agreement. Question 8 as currently written is confusing and inaccurate. It states that \$1.645 million will be paid to "eligible Settlement Class Members," less fees, costs, and expenses, when in fact that amount will only be paid to the Original Settlement Class Members. Question 9 is inaccurate because it states that "each Settlement Class Member" who files a claim will receive an equal share of "the Settlement Fund." But the Settlement Fund is defined in Question 8 as the \$1.645 million provided by Bank of America, and does not include the additional amount that will be provided by Bank of America because of the additional identified class members.

4. The parties should carefully review the proposed notice to determine if additional revisions are needed to make the notice accurate and understandable to the Affected Settlement Class Members.

5. The website for this settlement, www.pastorBANAFCRAsettlement.com, should be modified immediately to reflect the current status of the settlement process and to allow class members to file claims.

6. The parties are ordered to file a revised proposed notice, including a redline version of the proposed notice, a supplemental memorandum, and a proposed order by no later than March 2, 2018. The parties must submit the revised proposed notice and the proposed order in word format to vcpo@cand.uscourts.gov.

IT IS SO ORDERED.

Dated: February 26, 2018



VINCE CHHABRIA
United States District Judge